UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

BRUCE WILSON and EMINENT ENERGY PROMOTIONS,

Plaintiffs,

v.

C.A. No. 05-30067-MAP

BARBARA BARRA, PAUL O'DONNELL, and LEE HECHT HARRISON,

Defendants.

MOTION OF THE DEFENDANTS TO DISMISS PLAINTIFFS' COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)

Defendants, Barbara Barra, Paul O'Donnell, and Lee Hecht Harrison LLC move pursuant to Fed. R. Civ. P. 12(b)(6) for Dismissal of Plaintiffs' Complaint for failure to state a claim upon which relief can be granted. The grounds for this motion are set forth more fully in the supporting memorandum.

Respectfully submitted,

Barbara Barra, Paul O'Donnell, and Lee Hecht Harrison LLC,

By their attorneys,

/s/ Thomas Royall Smith

Thomas Royall Smith (BBO # 470300) Amanda S. Rosenfeld (BBO # 654101) Jackson Lewis LLP 75 Park Plaza Boston, MA 02116 (617) 367-0025

Dated: May 13, 2005